

HEARING DATE AND TIME: JULY 22, 2010 AT 10:00 A.M. (EST)

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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

DELPHI CORPORATION, *et al.*,

Debtors,

DELPHI CORPORATION, *et al.*,

Plaintiffs,

v.

SELECT TOOL & DIE CORP.,

Defendant.

Chapter 11
Case No. 05-44481 (RDD)
Jointly Administered

Adv. Pro. No. 07-02130 (RDD)

**JOINDER OF SELECT INDUSTRIES, CORP. IN FURTHER SUPPORT OF
MOTION FOR ORDER (I) VACATING CERTAIN PRIOR ORDERS; AND
(II) DISMISSING THE ADVERSARY PROCEEDING WITH PREJUDICE**

Select Industries, Corp.¹ (“Select”), by and through its undersigned counsel, files this Joinder in further support of its pending motion, dated May 14, 2010, to vacate certain of the Court’s prior orders and dismiss the above-referenced adversary proceeding.

Many other motions and supporting memoranda have been filed by defendants in similarly situated avoidance actions containing much of the same background facts. These motions seek the dismissal of the avoidance complaints on a range of legal grounds. Select adopts and incorporates all applicable arguments interposed by all other avoidance defendants in their pending motions to dismiss their respective complaints and joins in any and all reply memoranda in further support of the motions to dismiss and in response to the Reorganized Debtors’ Omnibus Response, including the lead briefs filed by (i) Affinia Group Holdings, Inc., *et al.* (Adv. Pro. Nos. 07-02198, 07-02328, 07-02484 and 07-02534); (ii) HP Enterprise Services, LLC *et al.* (Adv. Pro. No. 02262); (iii) Wagner-Smith Company (Adv. Pro. No. 07-02581); and (iv) Johnson Controls, *et al.* (Adv. Pro. No. 07-2348).

Select could find no other case which granted the relief obtained in the Procedures Order,² the March 2008 Extension Order, the April 2008 Extension Order and the October 2009 Extension Order (collectively, the “Orders”) and, effectively, through sealing and extension, more than doubled the Debtors’ statute of limitations, to the extreme prejudice of Select.

Select respectfully requests entry of an order (i) pursuant to Fed. R. Civ. P. 60 and Fed. R. Bankr. P. 9024, vacating the Orders that extended the time to serve process for such adversary proceedings as applied to Select; (ii) pursuant to Fed. R. Civ. P. 12(b) and Fed. R. Bankr. P. 7012(b), dismissing the adversary proceeding with prejudice; and (iii) granting to Select such other relief as is just and equitable.

¹ Select is incorrectly identified in the Adversary Complaint as “Select Tool & Die, Corp.”

² Unless otherwise identified herein, capitalized terms shall maintain the meanings ascribed to them in Select’s memorandum of law in support of its motion to dismiss.

Dated: July 2, 2010
New York, New York

Respectfully submitted,

Todtman, Nachamie, Spizz & Johns, P.C.

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